

House File 648

H-1748

1 Amend the Senate amendment, H-1702, to House File
2 648, as amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 5, through page 18,
5 line 5, and inserting:

6 <DIVISION I

7 REBUILD IOWA INFRASTRUCTURE FUND

8 Section 1. There is appropriated from the rebuild
9 Iowa infrastructure fund to the following departments
10 and agencies for the following fiscal years, the
11 following amounts, or so much thereof as is necessary,
12 to be used for the purposes designated:

13 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

14 a. For projects related to major repairs and major
15 maintenance for state buildings and facilities:

16 FY 2012-2013..... \$ 6,000,000

17 b. For exterior repairs and related improvements to
18 the state historical building:

19 FY 2011-2012..... \$ 1,200,000

20 c. For infrastructure improvements, including fire
21 safety and security systems, in the secretary of state
22 offices in the Lucas state office building:

23 FY 2011-2012..... \$ 45,000

24 d. For fire protection improvements at the
25 facilities management center and central energy plant
26 on the capitol complex:

27 FY 2012-2013..... \$ 2,000,000

28 e. For renovation, repairs, replacement, and
29 related improvements to extend the useful life
30 of buildings on the capitol complex and to make
31 improvements, including improvements relating to safety
32 and building code requirements, to the capitol complex
33 grounds:

34 FY 2012-2013..... \$ 2,000,000

35 2. DEPARTMENT FOR THE BLIND

36 For replacement of air handlers and related
37 improvements:

38 FY 2011-2012..... \$ 1,065,674

39 3. DEPARTMENT OF CORRECTIONS

40 a. For the construction project and one-time
41 furniture, fixture, and equipment costs at Fort
42 Madison:

43 FY 2011-2012..... \$ 5,155,077

44 FY 2012-2013..... \$ 18,269,124

45 FY 2013-2014..... \$ 3,000,000

46 b. For the construction project and one-time
47 equipment costs at the Iowa correctional facility for
48 women at Mitchellville:

49 FY 2011-2012..... \$ 3,061,556

50 FY 2012-2013..... \$ 5,391,062

1 FY 2013-2014..... \$ 26,769,040
2 4. DEPARTMENT OF CULTURAL AFFAIRS
3 For deposit into the Iowa great places program
4 fund created in section 303.3D for Iowa great places
5 program projects that meet the definition of the term
6 "vertical infrastructure" in section 8.57, subsection
7 6, paragraph "c":
8 FY 2011-2012..... \$ 1,000,000
9 FY 2012-2013..... \$ 2,000,000
10 Of the amounts appropriated in this subsection,
11 up to \$45,000 may be used per fiscal year for
12 administration of the Iowa great places grant program,
13 notwithstanding section 8.57, subsection 6, paragraph
14 "c".
15 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
16 For accelerated career education program capital
17 projects at community colleges that are authorized
18 under chapter 260G and that meet the definition of
19 the term "vertical infrastructure" in section 8.57,
20 subsection 6, paragraph "c":
21 FY 2011-2012..... \$ 5,000,000
22 FY 2012-2013..... \$ 5,500,000
23 6. DEPARTMENT OF EDUCATION
24 a. To the public broadcasting division for the
25 purchase of a building in the city of Johnston:
26 FY 2011-2012..... \$ 1,255,550
27 b. For major renovation and major repair needs,
28 including health, life, and fire safety needs and for
29 compliance with the federal Americans with Disabilities
30 Act, for state buildings and facilities under the
31 purview of the community colleges:
32 FY 2011-2012..... \$ 1,000,000
33 FY 2012-2013..... \$ 1,000,000
34 7. DEPARTMENT OF HUMAN SERVICES
35 For the renovation and construction of certain
36 nursing facilities, consistent with the provisions of
37 chapter 249K:
38 FY 2011-2012..... \$ 285,000
39 8. DEPARTMENT OF NATURAL RESOURCES
40 a. For floodplain management and dam safety,
41 notwithstanding section 8.57, subsection 6,
42 paragraph "c":
43 FY 2011-2012..... \$ 2,000,000
44 Of the amounts appropriated in this lettered
45 paragraph, up to \$400,000 is authorized for stream
46 gages to be used for tracking and predicting flood
47 events and for compiling necessary data relating to
48 flood frequency analysis.
49 b. For implementation of lake projects that
50 have established watershed improvement initiatives

1 and community support in accordance with the
2 department's annual lake restoration plan and report,
3 notwithstanding section 8.57, subsection 6, paragraph
4 "c":

5 FY 2011-2012..... \$ 8,600,000

6 Of the amount appropriated in this lettered
7 paragraph, \$350,000 shall be allocated for a lake with
8 public access that has the support of a benefited
9 lake district located in a county with a population
10 between seventeen thousand seven hundred and seventeen
11 thousand eight hundred as determined by the 2010
12 federal decennial census. The allocated moneys shall
13 be used for purposes of completing a preconstruction
14 dam restoration study that would include a geotechnical
15 evaluation, hydrological studies, restoration
16 alternatives, and construction specifications.

17 9. DEPARTMENT OF PUBLIC DEFENSE

18 a. For major maintenance projects at national guard
19 armories and facilities:

20 FY 2011-2012..... \$ 2,000,000

21 FY 2012-2013..... \$ 2,000,000

22 b. For renovation and facility improvements at the
23 Muscatine readiness center:

24 FY 2011-2012..... \$ 100,000

25 c. For construction improvement projects at
26 statewide readiness centers:

27 FY 2011-2012..... \$ 1,800,000

28 FY 2012-2013..... \$ 1,800,000

29 d. For construction upgrades at Camp Dodge
30 including sanitary system and sewer system
31 improvements:

32 FY 2011-2012..... \$ 1,000,000

33 FY 2012-2013..... \$ 1,000,000

34 e. For renovation, repair, and related improvements
35 at the joint forces headquarters building:

36 FY 2011-2012..... \$ 1,000,000

37 f. For renovation and facility improvements at the
38 Dubuque readiness center:

39 FY 2012-2013..... \$ 500,000

40 10. BOARD OF REGENTS

41 a. For allocation by the state board of regents to
42 the state university of Iowa, Iowa state university of
43 science and technology, and the university of northern
44 Iowa to reimburse the institutions for deficiencies
45 in the operating funds resulting from the pledging of
46 tuition, student fees and charges, and institutional
47 income to finance the cost of providing academic and
48 administrative buildings and facilities and utility
49 services at the institutions:

50 FY 2011-2012..... \$ 24,305,412

1 b. For the Iowa flood center at the state
2 university of Iowa for use by the university's
3 college of engineering, pursuant to section 466C.1,
4 notwithstanding section 8.57, subsection 6, paragraph
5 "c":

6 FY 2011-2012..... \$ 1,300,000

7 c. For fire, safety and other major maintenance
8 projects at the regents institutions:

9 FY 2011-2012..... \$ 2,000,000

10 FY 2012-2013..... \$ 4,000,000

11 d. For construction, renovation, and related
12 improvements for phase II of the agricultural and
13 biosystems engineering complex, including classrooms,
14 laboratories, and offices at Iowa state university of
15 science and technology:

16 FY 2011-2012..... \$ 1,000,000

17 FY 2012-2013..... \$ 20,800,000

18 FY 2013-2014..... \$ 20,000,000

19 FY 2014-2015..... \$ 18,600,000

20 e. For the renovation and related improvements to
21 the dental science building at the state university
22 of Iowa including but not limited to renovation of
23 clinical spaces and development of a multidisciplinary
24 clinical area:

25 FY 2011-2012..... \$ 1,000,000

26 FY 2012-2013..... \$ 12,000,000

27 FY 2013-2014..... \$ 8,000,000

28 FY 2014-2015..... \$ 8,000,000

29 f. For renovation and related improvements for
30 Bartlett hall at the university of northern Iowa
31 including providing faculty offices, seminar rooms,
32 and laboratories in the building and the associated
33 demolition of Baker hall:

34 FY 2011-2012..... \$ 1,000,000

35 FY 2012-2013..... \$ 8,286,000

36 FY 2013-2014..... \$ 9,767,000

37 FY 2014-2015..... \$ 1,947,000

38 11. DEPARTMENT OF TRANSPORTATION

39 a. For acquiring, constructing, and improving
40 recreational trails within the state:

41 FY 2011-2012..... \$ 2,000,000

42 FY 2012-2013..... \$ 2,000,000

43 b. For deposit into the public transit
44 infrastructure grant fund created in section 324A.6A,
45 for projects that meet the definition of "vertical
46 infrastructure" in section 8.57, subsection 6,
47 paragraph "c":

48 FY 2011-2012..... \$ 1,500,000

49 FY 2012-2013..... \$ 1,500,000

50 c. For infrastructure improvements at the

1 commercial service airports within the state:
2 FY 2011-2012..... \$ 1,500,000
3 FY 2012-2013..... \$ 1,500,000

4 d. For infrastructure improvements at general
5 aviation airports within the state:
6 FY 2011-2012..... \$ 750,000
7 FY 2012-2013..... \$ 750,000

8 12. TREASURER OF STATE
9 For distribution in accordance with chapter 174 to
10 qualified fairs which belong to the association of Iowa
11 fairs for county fair infrastructure improvements:
12 FY 2011-2012..... \$ 1,060,000
13 FY 2012-2013..... \$ 1,060,000

14 13. DEPARTMENT OF VETERANS AFFAIRS
15 a. For transfer to the Iowa finance authority for
16 the continuation of the home ownership assistance
17 program for persons who are or were eligible members
18 of the armed forces of the United States, pursuant to
19 section 16.54, notwithstanding section 8.57, subsection
20 6, paragraph "c":

21 FY 2011-2012..... \$ 1,000,000

22 b. For the Iowa veterans home to upgrade generator
23 emissions controls to meet required stack emissions for
24 four generators and related improvements:
25 FY 2011-2012..... \$ 250,000

26 Sec. ____ . REVERSION. For purposes of section 8.33,
27 unless specifically provided otherwise, unencumbered
28 or unobligated moneys made from an appropriation in
29 this division of this Act shall not revert but shall
30 remain available for expenditure for the purposes
31 designated until the close of the fiscal year that ends
32 three years after the end of the fiscal year for which
33 the appropriation is made. However, if the project
34 or projects for which such appropriation was made are
35 completed in an earlier fiscal year, unencumbered or
36 unobligated moneys shall revert at the close of that
37 same fiscal year.

38 DIVISION II

39 TECHNOLOGY REINVESTMENT FUND

40 Sec. ____ . There is appropriated from the technology
41 reinvestment fund created in section 8.57C to the
42 following departments and agencies for the following
43 fiscal years, the following amounts, or so much
44 thereof as is necessary, to be used for the purposes
45 designated:

46 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
47 For technology improvement projects:
48 FY 2011-2012..... \$ 1,643,728
49 FY 2012-2013..... \$ 2,500,000

50 2. DEPARTMENT OF CORRECTIONS

1 For costs associated with the Iowa corrections
 2 offender network data system:
 3 FY 2011-2012..... \$ 500,000
 4 FY 2012-2013..... \$ 500,000

5 3. DEPARTMENT OF EDUCATION

6 a. For maintenance and lease costs associated with
 7 connections for part III of the Iowa communications
 8 network:
 9 FY 2011-2012..... \$ 2,727,000
 10 FY 2012-2013..... \$ 2,727,000

11 b. For the implementation of an educational data
 12 warehouse that will be utilized by teachers, parents,
 13 school district administrators, area education agency
 14 staff, department of education staff, and policymakers:
 15 FY 2011-2012..... \$ 600,000
 16 FY 2012-2013..... \$ 600,000

17 The department may use a portion of the moneys
 18 appropriated in this lettered paragraph for an
 19 e-transcript data system capable of tracking students
 20 throughout their education via interconnectivity with
 21 multiple schools.

22 4. DEPARTMENT OF HUMAN RIGHTS

23 For the cost of equipment and computer software
 24 for the implementation of Iowa's criminal justice
 25 information system:
 26 FY 2011-2012..... \$ 1,689,307
 27 FY 2012-2013..... \$ 1,756,747

28 5. DEPARTMENT OF HUMAN SERVICES

29 To be used for medical contracts under the
 30 medical assistance program for technology upgrades
 31 necessary to support Medicaid claims and other health
 32 operations, worldwide HIPAA claims transactions and
 33 coding requirements, and the Iowa automated benefits
 34 calculation system:
 35 FY 2011-2012..... \$ 3,494,176
 36 FY 2012-2013..... \$ 4,667,600
 37 FY 2013-2014..... \$ 4,267,600
 38 FY 2014-2015..... \$ 1,945,684

39 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
 40 COMMISSION

41 For replacement of equipment for the Iowa
 42 communications network:
 43 FY 2011-2012..... \$ 2,248,653
 44 FY 2012-2013..... \$ 2,248,653

45 The commission may continue to enter into contracts
 46 pursuant to section 8D.13 for the replacement of
 47 equipment and for operation and maintenance costs of
 48 the network.

49 In addition to funds appropriated in this
 50 subsection, the commission may use a financing

1 agreement entered into by the treasurer of state in
2 accordance with section 12.28 for the replacement
3 of equipment for the network. For purposes of this
4 subsection, the treasurer of state is not subject to
5 the maximum principal limitation contained in section
6 12.28, subsection 6. Repayment of any amounts financed
7 shall be made from receipts associated with fees
8 charged for use of the network.

9 7. DEPARTMENT OF MANAGEMENT

10 To develop a searchable database that can be placed
11 on the internet for budget and financial information:
12 FY 2011-2012..... \$ 600,000

13 8. DEPARTMENT OF PUBLIC SAFETY

14 For the provision of a statewide public safety
15 radio network and the purchase of compatible radio
16 communications equipment with the goal of achieving
17 compliance with the federal communications commission's
18 narrowbanding mandate deadline, and for achieving
19 "interoperability", as defined in section 80.28:
20 FY 2011-2012..... \$ 2,500,000
21 FY 2012-2013..... \$ 2,500,000
22 FY 2013-2014..... \$ 2,500,000

23 Of the amounts appropriated in this subsection,
24 the department of public safety may enter into a
25 public-private partnership, through a competitive
26 bidding process, for the provision of the statewide
27 network and the purchase of compatible equipment.

28 On or before January 13, 2012, the department of
29 public safety shall provide a report to the legislative
30 services agency and the department of management.
31 The report shall detail the status of the funds
32 appropriated in this subsection and shall include
33 the estimated needs of the departments of public
34 safety, corrections, and natural resources to achieve
35 interoperability and to meet the federal narrowbanding
36 mandate, any changes in estimated costs to meet those
37 needs, and the status of requests for proposals to
38 develop a public-private partnership.

39 Sec. ____ . REVERSION. For purposes of section 8.33,
40 unless specifically provided otherwise, unencumbered
41 or unobligated moneys made from an appropriation in
42 this division of this Act shall not revert but shall
43 remain available for expenditure for the purposes
44 designated until the close of the fiscal year that ends
45 three years after the end of the fiscal year for which
46 the appropriation is made. However, if the project
47 or projects for which such appropriation was made are
48 completed in an earlier fiscal year, unencumbered or
49 unobligated moneys shall revert at the close of that
50 same fiscal year.

1 DIVISION III
2 REVENUE BONDS CAPITALS
3 FUND — APPROPRIATIONS

4 Sec. _____. There is appropriated from the revenue
5 bonds capitals fund created in section 12.88, to the
6 following departments for the fiscal year beginning
7 July 1, 2011, and ending June 30, 2012, the following
8 amount, or so much thereof as is necessary, to be used
9 for the purposes designated:

10 a. DEPARTMENT OF CORRECTIONS

11 For the construction project and one-time equipment
12 costs at the Iowa correctional facility for women at
13 Mitchellville:

14 \$ 4,430,952

15 b. DEPARTMENT OF ADMINISTRATIVE SERVICES

16 For projects related to major repairs and major
17 maintenance for state buildings and facilities:

18 \$ 500,000

19 For purposes of section 8.33, unless specifically
20 provided otherwise, unencumbered or unobligated moneys
21 made from an appropriation in this section shall not
22 revert but shall remain available for expenditure for
23 the purposes designated until the close of the fiscal
24 year that ends three years after the end of the fiscal
25 year for which the appropriation was made. However, if
26 the project or projects for which such appropriation
27 was made are completed in an earlier fiscal year,
28 unencumbered or unobligated moneys shall revert at the
29 close of that same fiscal year.

30 DIVISION IV

31 REVENUE BONDS CAPITALS II FUND — APPROPRIATIONS

32 Sec. _____. There is appropriated from the revenue
33 bonds capitals II fund created in section 12.88A, to
34 the department of administrative services for the
35 fiscal year beginning July 1, 2011, and ending June 30,
36 2012, the following amount, or so much thereof as is
37 necessary, to be used for the purposes designated:

38 For projects related to major repairs and major
39 maintenance for state buildings and facilities:

40 FY 2011-2012..... \$ 4,040,000

41 For purposes of section 8.33, unless specifically
42 provided otherwise, unencumbered or unobligated moneys
43 made from an appropriation in this section shall not
44 revert but shall remain available for expenditures for
45 the purposes designated until the close of the fiscal
46 year that ends three years after the end of the fiscal
47 year for which the appropriation was made. However, if
48 the project or projects for which such appropriation
49 was made are completed in an earlier fiscal year,
50 unencumbered or unobligated moneys shall revert at the

1 close of that same fiscal year.

2 DIVISION V

3 GENERAL FUND — APPROPRIATION

4 Sec. _____. There is appropriated from the general
5 fund of the state to the department of transportation
6 for the fiscal year beginning July 1, 2012, and
7 ending June 30, 2013, the following amount, or so much
8 thereof as is necessary, to be used for the purposes
9 designated:

10 For deposit into the railroad revolving loan and
11 grant fund created in section 327H.20A:

12 \$ 2,000,000

13 DIVISION VI

14 PUBLIC BIDDING AND CONTRACTING

15 Sec. _____. Section 73A.21, Code 2011, is amended to
16 read as follows:

17 73A.21 Reciprocal resident bidder and resident labor
18 force preference by state, its agencies, and political
19 subdivisions — penalties.

20 1. For purposes of this section:

21 a. "Commissioner" means the labor commissioner
22 appointed pursuant to section 91.2, or the labor
23 commissioner's designee.

24 b. "Division" means the division of labor of the
25 department of workforce development.

26 c. "Nonresident bidder" means a person or entity who
27 does not meet the definition of a resident bidder.

28 d. "Public body" means the state and any of its
29 political subdivisions, including a school district,
30 public utility, or the state board of regents.

31 ~~a. e. "Public improvement" means public~~
32 ~~improvements as defined in section 73A.1 a building or~~
33 ~~other construction work to be paid for in whole or in~~
34 ~~part by the use of funds of the state, its agencies,~~
35 ~~and any of its political subdivisions and includes road~~
36 ~~construction, reconstruction, and maintenance projects.~~

37 f. "Public utility" includes municipally owned
38 utilities and municipally owned waterworks.

39 ~~b. g. "Resident bidder" means a person or entity~~
40 ~~authorized to transact business in this state and~~
41 ~~having a place of business for transacting business~~
42 ~~within the state at which it is conducting and has~~
43 ~~conducted business for at least ~~six months~~ three years~~
44 ~~prior to the date of the first advertisement for the~~
45 ~~public improvement and in the case of a corporation,~~
46 ~~having at least fifty percent of its common stock~~
47 ~~owned by residents of this state. If another state~~
48 ~~or foreign country has a more stringent definition of~~
49 ~~a resident bidder, the more stringent definition is~~
50 ~~applicable as to bidders from that state or foreign~~

1 country.

2 h. "Resident labor force preference" means a
3 requirement in which all or a portion of a labor force
4 working on a public improvement is a resident of a
5 particular state or country.

6 2. Notwithstanding this chapter, chapter 73,
7 chapter 309, chapter 310, chapter 331, or chapter
8 384, when a contract for a public improvement is
9 to be awarded to the lowest responsible bidder, a
10 resident bidder shall be allowed a preference as
11 against a nonresident bidder from a state or foreign
12 country ~~which~~ if that state or foreign country gives
13 or requires a any preference to bidders from that
14 state or foreign country, including but not limited
15 to any preference to bidders, the imposition of any
16 type of labor force preference, or any other form of
17 preferential treatment to bidders or laborers from that
18 state or foreign country. The preference is allowed
19 shall be equal to the preference given or required by
20 the state or foreign country in which the nonresident
21 bidder is a resident. In the instance of a resident
22 labor force preference, a nonresident bidder shall
23 apply the same resident labor force preference to a
24 public improvement in this state as would be required
25 in the construction of a public improvement by the
26 state or foreign country in which the nonresident
27 bidder is a resident.

28 ~~3. This section applies to the state, its agencies,~~
29 ~~and any political subdivisions of the state.~~

30 4. 3. If it is determined that this may cause
31 denial of federal funds which would otherwise be
32 available, or would otherwise be inconsistent with
33 requirements of any federal law or regulation, this
34 section shall be suspended, but only to the extent
35 necessary to prevent denial of the funds or to
36 eliminate the inconsistency with federal requirements.

37 4. The public body involved in a public improvement
38 shall require a nonresident bidder to specify on all
39 project bid specifications and contract documents
40 whether any preference as described in subsection 2 is
41 in effect in the nonresident bidder's state or country
42 of domicile at the time of a bid submittal.

43 5. The commissioner and the division shall
44 administer and enforce this section, and the
45 commissioner shall adopt rules for the administration
46 and enforcement of this section as provided in section
47 91.6.

48 6. The commissioner shall have the following powers
49 and duties for the purposes of this section:

50 a. The commissioner may hold hearings and

1 investigate charges of violations of this section.

2 b. The commissioner may, consistent with due
3 process of law, enter any place of employment to
4 inspect records concerning labor force residency, to
5 question an employer or employee, and to investigate
6 such facts, conditions, or matters as are deemed
7 appropriate in determining whether any person
8 has violated the provisions of this section. The
9 commissioner shall only make such an entry in response
10 to a written complaint.

11 c. The commissioner shall develop a written
12 complaint form applicable to this section and make it
13 available in division offices and on the department of
14 workforce development's internet site.

15 d. The commissioner may sue for injunctive relief
16 against the awarding of a contract, the undertaking of
17 a public improvement, or the continuation of a public
18 improvement in response to a violation of this section.

19 e. The commissioner may investigate and ascertain
20 the residency of a worker engaged in any public
21 improvement in this state.

22 f. The commissioner may administer oaths, take
23 or cause to be taken deposition of witnesses, and
24 require by subpoena the attendance and testimony of
25 witnesses and the production of all books, registers,
26 payrolls, and other evidence relevant to a matter under
27 investigation or hearing.

28 g. The commissioner may employ qualified personnel
29 as are necessary for the enforcement of this section.
30 Such personnel shall be employed pursuant to the merit
31 system provisions of chapter 8A, subchapter IV.

32 h. The commissioner shall require a contractor or
33 subcontractor to file, within ten days of receipt of a
34 request, any records enumerated in subsection 7. If
35 the contractor or subcontractor fails to provide the
36 requested records within ten days, the commissioner
37 may direct, within fifteen days after the end of the
38 ten-day period, that the fiscal or financial office
39 charged with the custody and disbursement of funds of
40 the public body that contracted for construction of the
41 public improvement or undertook the public improvement,
42 to immediately withhold from payment to the contractor
43 or subcontractor up to twenty-five percent of the
44 amount to be paid to the contractor or subcontractor
45 under the terms of the contract or written instrument
46 under which the public improvement is being performed.
47 The amount withheld shall be immediately released
48 upon receipt by the public body of a notice from the
49 commissioner indicating that the request for records as
50 required by this section has been satisfied.

1 7. While participating in a public improvement,
2 a nonresident bidder domiciled in a state or country
3 that has established a resident labor force preference
4 shall make and keep, for a period of not less than
5 three years, accurate records of all workers employed
6 by the contractor or subcontractor on the public
7 improvement. The records shall include each worker's
8 name, address, telephone number when available, social
9 security number, trade classification, and the starting
10 and ending time of employment.

11 8. Any person or entity that violates the
12 provisions of this section is subject to a civil
13 penalty in an amount not to exceed one thousand dollars
14 for each violation found in a first investigation by
15 the division, not to exceed five thousand dollars
16 for each violation found in a second investigation
17 by the division, and not to exceed fifteen thousand
18 dollars for a third or subsequent violation found
19 in any subsequent investigation by the division.
20 Each violation of this section for each worker and
21 for each day the violation continues constitutes a
22 separate and distinct violation. In determining the
23 amount of the penalty, the division shall consider the
24 appropriateness of the penalty to the person or entity
25 charged, upon determination of the gravity of the
26 violations. The collection of these penalties shall
27 be enforced in a civil action brought by the attorney
28 general on behalf of the division.

29 9. A party seeking review of the division's
30 determination pursuant to this section may file a
31 written request for an informal conference. The
32 request must be received by the division within fifteen
33 days after the date of issuance of the division's
34 determination. During the conference, the party
35 seeking review may present written or oral information
36 and arguments as to why the division's determination
37 should be amended or vacated. The division shall
38 consider the information and arguments presented and
39 issue a written decision advising all parties of the
40 outcome of the conference.

41 Sec. _____. Section 331.341, subsection 2, Code 2011,
42 is amended to read as follows:

43 2. The board shall give preference to Iowa products
44 ~~and labor~~ in accordance with chapter 73 and shall
45 comply with bid and contract requirements in chapter
46 26.

47 Sec. _____. REPEAL. Sections 73.3 and 73.4, Code
48 2011, are repealed.

49 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
50 of this Act, being deemed of immediate importance,

1 takes effect upon enactment.

2 Sec. ____ . APPLICABILITY. This division of this Act
3 applies to all public improvement, public works, and
4 public road projects, and to public improvement, public
5 works, and public road contracts entered into on or
6 after the effective date of this Act.

7 DIVISION VII

8 BUSINESS DEVELOPMENT ASSISTANCE — APPROPRIATION

9 Sec. ____ . BUSINESS DEVELOPMENT ASSISTANCE — USE OF
10 EXISTING FUNDS.

11 1. a. There is appropriated from the rebuild Iowa
12 infrastructure fund to the department of economic
13 development for the fiscal year beginning July 1, 2011,
14 and ending June 30, 2012, the following amount, or
15 so much thereof as is necessary, to be used for the
16 purposes designated:

17 For marketing and promotional activities; for
18 information technology development; for laborshed
19 studies conducted for the department by the department
20 of workforce development; for administrative purposes,
21 including salaries, support, maintenance, and
22 miscellaneous purposes; and for providing financial
23 assistance to businesses expanding or locating in the
24 state, notwithstanding section 8.57, subsection 6,
25 paragraph "c":

26 \$ 15,000,000

27 b. Of the moneys appropriated pursuant to paragraph
28 "a" for purposes of marketing and promotional
29 activities, the department shall not use more than
30 \$2,300,000.

31 c. Of the moneys appropriated pursuant to paragraph
32 "a" for purposes of information technology development,
33 the department shall not use more than \$350,000.

34 d. Of the moneys appropriated pursuant to paragraph
35 "a" for purposes of laborshed studies conducted by the
36 department of workforce development, the department
37 shall not use more than \$145,000.

38 e. Of the moneys appropriated pursuant to paragraph
39 "a" for administrative purposes, the department shall
40 not use more than 5 percent.

41 f. (1) The department may use the remainder of the
42 moneys appropriated pursuant to paragraph "a" that are
43 not expended for the purposes described in paragraphs
44 "b" through "e" to provide financial assistance to
45 businesses expanding or locating in the state.

46 (2) An award of financial assistance pursuant to
47 this paragraph "f" shall be approved by the economic
48 development board which shall review with due diligence
49 the merits of each application for assistance.

50 (3) For each award of financial assistance made

1 pursuant to this paragraph "f", the department shall
2 enter into an agreement with the recipient of the
3 financial assistance, and each agreement shall meet
4 the requirements for financial assistance agreements
5 described in section 15G.112, subsections 1 through 3,
6 Code 2011.

7 (4) In providing financial assistance pursuant
8 to this paragraph "f", the department shall allocate
9 the available moneys to a diverse range of projects
10 that create or retain jobs including projects that pay
11 better than average wages, projects that represent
12 early-stage business development, projects that build
13 the physical infrastructure necessary for business
14 growth and expansion, projects that enhance the
15 growth of value-added agriculture in the state, and
16 projects that involve recovery from significant natural
17 disasters.

18 (5) The department shall adopt rules for the
19 implementation of this paragraph "f". Such rules
20 may be adopted as emergency rules under section
21 17A.4, subsection 3, and section 17A.5, subsection
22 2, paragraph "b". Such rules shall be effective
23 immediately upon filing unless a later date is
24 specified in the rules. Any rules adopted in
25 accordance with this section shall also be published
26 as a notice of intended action as provided in section
27 17A.4.

28 (6) For purposes of this paragraph "f", "financial
29 assistance" means assistance provided only from the
30 funds, rights, and assets legally available to the
31 department pursuant to this chapter and includes but is
32 not limited to assistance in the form of grants, loans,
33 forgivable loans, and royalty payments.

34 2. There is appropriated to the department of
35 economic development for the fiscal year beginning
36 July 1, 2011, and ending June 30, 2012, the following
37 amounts, or so much thereof as is necessary, to be used
38 for the purposes described in subsection 1:

39 a. Payments of interest, repayments of moneys
40 loaned, and recaptures of grants and loans made
41 pursuant to chapter 15G, Code 2011.

42 b. All moneys accruing to the department, including
43 payments of interest, repayments of moneys loaned,
44 royalty payments received, and recaptures of grants,
45 loans, or other forms of financial assistance provided
46 to recipients, from the department's administration of
47 the following preexisting programs:

48 (1) The community economic betterment program
49 established pursuant to section 15.317, Code 2009.

50 (2) The entrepreneurial ventures assistance program

1 established pursuant to section 15.339, Code 2009.

2 (3) The value-added agricultural products and
3 processes financial assistance program established
4 pursuant to section 15E.111, Code 2009.

5 (4) The physical infrastructure assistance program
6 established pursuant to section 15E.175, Code 2009.

7 (5) The loan and credit guarantee program
8 established pursuant to section 15E.224, Code 2009.

9 c. The moneys transferred to the grow Iowa values
10 fund pursuant to 2009 Iowa Acts, chapter 123, section
11 9, subsections 1 and 2.

12 3. The moneys appropriated pursuant to this section
13 are not subject to section 8.33. Notwithstanding
14 section 12C.7, interest or earnings on the appropriated
15 moneys shall be credited to the department and may
16 be used in subsequent fiscal years for the purposes
17 described in subsection 1.

18 DIVISION VIII

19 MISCELLANEOUS CODE CHANGES

20 Sec. _____. Section 8.57, subsection 6, paragraph c,
21 Code 2011, is amended to read as follows:

22 c. Moneys in the fund in a fiscal year shall
23 be used as directed by the general assembly for
24 public vertical infrastructure projects. For the
25 purposes of this subsection, "*vertical infrastructure*"
26 includes only land acquisition and construction;
27 major renovation and major repair of buildings;
28 appurtenant structures; utilities; site development;
29 ~~and~~; recreational trails; and debt service payments
30 on academic revenue bonds issued in accordance with
31 chapter 262A for capital projects at board of regents
32 institutions. "*Vertical infrastructure*" does not
33 include routine, recurring maintenance or operational
34 expenses or leasing of a building, appurtenant
35 structure, or utility without a lease-purchase
36 agreement.

37 Sec. _____. Section 8.57, subsection 6, paragraph f,
38 Code 2011, is amended to read as follows:

39 f. There is appropriated from the rebuild Iowa
40 infrastructure fund to the secure an advanced vision
41 for education fund created in section 423F.2, for each
42 fiscal year of the fiscal period beginning July 1,
43 2008, and ending June 30, 2010, ~~and for each fiscal~~
44 ~~year of the fiscal period beginning July 1, 2011,~~
45 ~~and ending June 30, 2014,~~ the amount of the moneys
46 in excess of the first forty-seven million dollars
47 credited to the rebuild Iowa infrastructure fund during
48 the fiscal year, not to exceed ten million dollars.

49 Sec. _____. Section 8.57A, subsection 4, Code 2011,
50 is amended to read as follows:

1 4. a. There is appropriated from the rebuild Iowa
2 infrastructure fund for the fiscal ~~years year~~ beginning
3 July 1, ~~2008, July 1, 2009, and July 1, 2011~~ 2012, and
4 for each fiscal year thereafter, the sum of ~~forty-two~~
5 thirty-five million dollars to the environment first
6 fund, notwithstanding section 8.57, subsection 6,
7 paragraph "c".

8 b. There is appropriated from the rebuild Iowa
9 infrastructure fund each fiscal year for the ~~fiscal~~
10 year period beginning July 1, 2010, and ending June 30,
11 ~~2011~~ 2012, the sum of thirty-three million dollars to
12 the environment first fund, notwithstanding section
13 8.57, subsection 6, paragraph "c".

14 Sec. _____. Section 8.57C, subsection 3, paragraphs a
15 and c, Code 2011, are amended to read as follows:

16 a. There is appropriated from the general fund of
17 the state for the fiscal ~~years year~~ beginning July 1,
18 ~~2006, July 1, 2007,~~ July 1, ~~2011~~ 2012, and for each
19 subsequent fiscal year thereafter, the sum of seventeen
20 million five hundred thousand dollars to the technology
21 reinvestment fund.

22 c. There is appropriated from the rebuild Iowa
23 infrastructure fund for the fiscal year beginning
24 July 1, 2010, and ending June 30, 2011, the sum of ten
25 million dollars to the technology reinvestment fund,
26 notwithstanding section 8.57, subsection 6, paragraph
27 "c".

28 Sec. _____. Section 8.57C, subsection 3, Code 2011,
29 is amended by adding the following new paragraph:

30 NEW PARAGRAPH. d. There is appropriated from the
31 rebuild Iowa infrastructure fund for the fiscal year
32 beginning July 1, 2011, and ending June 30, 2012,
33 the sum of sixteen million dollars to the technology
34 reinvestment fund, notwithstanding section 8.57,
35 subsection 6, paragraph "c".

36 Sec. _____. Section 8A.321, subsection 6, Code 2011,
37 is amended by adding the following new paragraph:

38 NEW PARAGRAPH. d. The department shall issue a
39 request for proposals for leasing privately owned
40 office space for state employees in the downtown
41 area of the city of Des Moines prior to replacing or
42 renovating publicly owned buildings or relocating
43 any state agencies to any space in publicly owned
44 buildings. The department shall locate state employees
45 in office space in the most cost-efficient manner
46 possible. In determining cost efficiency, the
47 department shall consider all costs of the publicly
48 owned space, the costs of the original acquisition
49 of the publicly owned space, the costs of tenant
50 improvements to the publicly owned space, and the

1 anticipated economic and useful life of the publicly
2 owned building space.

3 Sec. _____. Section 12.82, subsection 1, Code 2011,
4 is amended to read as follows:

5 1. A school infrastructure fund is created and
6 established as a separate and distinct fund in the
7 state treasury under the control of the department of
8 education. The Notwithstanding any other provision
9 of this chapter, the fund shall be used for purposes
10 of the school infrastructure program established in
11 section 292.2.

12 Sec. _____. Section 12.82, Code 2011, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 3A. Any amounts remaining in the
15 school infrastructure fund at the end of the fiscal
16 year beginning July 1, 2010, and for each fiscal year
17 thereafter, which are determined by the treasurer of
18 state to be unencumbered and unobligated and otherwise
19 unnecessary to make the payments for such fiscal year,
20 shall be transferred to the rebuild Iowa infrastructure
21 fund.

22 Sec. _____. Section 15F.204, subsection 8, paragraph
23 a, subparagraph (6), Code 2011, is amended to read as
24 follows:

25 (6) For the fiscal year beginning July 1, 2011,
26 and ending June 30, 2012, the sum of five million one
27 hundred thousand dollars.

28 Sec. _____. Section 15F.204, subsection 8, paragraph
29 b, Code 2011, is amended by striking the paragraph.

30 Sec. _____. Section 16.181A, subsection 1, Code 2011,
31 is amended to read as follows:

32 1. There is appropriated from the rebuild Iowa
33 infrastructure fund to the Iowa finance authority for
34 deposit in the housing trust fund created in section
35 16.181, for the fiscal year beginning July 1, 2009, and
36 beginning July 1, ~~2011~~ 2012, and for each succeeding
37 fiscal year, the sum of three million dollars.

38 Sec. _____. Section 16.181A, Code 2011, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 3. There is appropriated from the
41 rebuild Iowa infrastructure fund to the Iowa finance
42 authority for deposit in the housing trust fund created
43 in section 16.181, for the fiscal year beginning July
44 1, 2011, and ending June 30, 2012, the sum of two
45 million dollars.

46 Sec. _____. Section 16.193, subsection 2, Code 2011,
47 is amended to read as follows:

48 ~~2. During the term of the Iowa jobs program~~
49 ~~established in section 16.194 and the Iowa jobs II~~
50 ~~program established in section 16.194A~~ For the period

1 beginning July 1, 2009, and ending June 30, 2011, two
2 hundred thousand dollars of the moneys deposited in the
3 rebuild Iowa infrastructure fund shall be allocated
4 each fiscal year to the Iowa finance authority for
5 purposes of administering the Iowa jobs program,
6 notwithstanding section 8.57, subsection 6, paragraph
7 "c".

8 Sec. ____ . EFFECTIVE AND APPLICABILITY DATES. The
9 sections of this division amending section 12.82,
10 being deemed of immediate importance, take effect upon
11 enactment and, if approved by the governor on or after
12 July 1, 2011, shall apply retroactively to June 30,
13 2011.

14 DIVISION IX

15 CHANGES TO PRIOR APPROPRIATIONS

16 Sec. ____ . 2006 Iowa Acts, chapter 1179, section 18,
17 is amended by adding the following new subsection:

18 NEW SUBSECTION. 5. Except for the allocation to
19 Des Moines area community college and notwithstanding
20 section 8.33, moneys appropriated from the endowment
21 for Iowa's health restricted capitals fund for the
22 fiscal year beginning July 1, 2006, and ending June 30,
23 2007, in this division of this Act to the department of
24 public safety for allocation to the division of fire
25 protection that remain unencumbered or unobligated
26 at the close of the fiscal year shall not revert
27 but shall remain available for expenditure for the
28 purposes designated until the close of the fiscal year
29 beginning July 1, 2011, or until the project for which
30 the appropriation was made is completed, whichever
31 is earlier. This subsection shall apply in lieu of
32 subsection 1 of this section.

33 Sec. ____ . 2007 Iowa Acts, chapter 219, section 2,
34 is amended to read as follows:

35 SEC. 2. REVERSION.

36 1. Notwithstanding Except as provided in subsection
37 2 and notwithstanding section 8.33, moneys appropriated
38 for the fiscal year beginning July 1, 2007, in this
39 division of this Act that remain unencumbered or
40 unobligated at the close of the fiscal year shall not
41 revert but shall remain available for the purposes
42 designated until the close of the fiscal year that
43 begins July 1, 2010, or until the project for which
44 the appropriation was made is completed, whichever is
45 earlier.

46 2. a. Notwithstanding section 8.33, moneys
47 appropriated in section 1, subsection 1, paragraphs
48 "a" and "f" of this division of this Act that remain
49 unencumbered or unobligated at the close of the fiscal
50 year for which they were appropriated shall not revert

1 but shall remain available for the purposes designated
2 until the close of the fiscal year that begins July 1,
3 2011, or until the project for which the appropriation
4 was made is completed, whichever is earlier.

5 b. The department of administrative services
6 is authorized to provide for the disposition and
7 relocation of structures located at 707 east locust
8 and 709 east locust, Des Moines, Iowa, in a manner as
9 deemed appropriate by the department. The disposition
10 of the structures, if possible, shall be completed in
11 a manner that reduces or eliminates the costs of the
12 state associated with the removal of the structures
13 from their current locations. Any amount received from
14 the disposition of the structures as permitted under
15 this section shall be retained by the department to pay
16 for improvement costs associated with the restoration
17 of the west capitol terrace. The department, if unable
18 to otherwise dispose of the structures, is authorized
19 to demolish the structures using other appropriate
20 funding available to the department.

21 Sec. _____. 2008 Iowa Acts, chapter 1179, section 1,
22 subsection 13, paragraph c, as amended by 2009 Iowa
23 Acts, chapter 184, section 22, is amended to read as
24 follows:

25 c. For the construction of a depot and platform to
26 accommodate the future Amtrak service from Dubuque to
27 Chicago, notwithstanding section 8.57, subsection 6,
28 paragraph "c":

29 \$ 300,000
30 60,000

31 Sec. _____. 2008 Iowa Acts, chapter 1179, section
32 7, as amended by 2009 Iowa Acts, chapter 173, section
33 21, and 2010 Iowa Acts, chapter 1184, section 58, is
34 amended to read as follows:

35 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
36 is appropriated from the rebuild Iowa infrastructure
37 fund to the department of economic development for
38 the designated fiscal years the following amounts, or
39 so much thereof as is necessary, to be used for the
40 purposes designated:

41 For deposit into the river enhancement community
42 attraction and tourism fund created in 2008 Iowa Acts,
43 Senate File 2430, if enacted:
44 FY 2009-2010..... \$ 0
45 FY 2010-2011..... \$ 0
46 FY 2011-2012..... \$ 10,000,000
47 0
48 FY 2012-2013..... \$ 10,000,000
49 0

50 ~~Notwithstanding section 8.33, moneys appropriated~~

1 in this section for the fiscal year beginning July
2 1, 2011, and ending June 30, 2012, shall not revert
3 at the close of the fiscal year for which they are
4 appropriated but shall remain available for the purpose
5 designated until the close of the fiscal year that
6 begins July 1, 2014, or until the project for which
7 the appropriation was made is completed, whichever is
8 earlier.

9 Notwithstanding section 8.33, moneys appropriated
10 in this section for the fiscal year beginning July
11 1, 2012, and ending June 30, 2013, shall not revert
12 at the close of the fiscal year for which they are
13 appropriated but shall remain available for the purpose
14 designated until the close of the fiscal year that
15 begins July 1, 2015, or until the project for which
16 the appropriation was made is completed, whichever is
17 earlier.

18 Sec. _____. 2008 Iowa Acts, chapter 1179, section 18,
19 as amended by 2009 Iowa Acts, chapter 173, section 24,
20 subsection 4, paragraph b, unnumbered paragraph 1, is
21 amended to read as follows:

22 For deposit into the river enhancement community
23 attraction and tourism fund created in section 15F.205:
24 \$ 10,000,000
25 9,200,000

26 Sec. _____. 2009 Iowa Acts, chapter 184, section 1,
27 subsection 12, paragraph a, as amended by 2010 Iowa
28 Acts, chapter 1184, section 71, is amended to read as
29 follows:

30 a. For deposit in the passenger rail service
31 revolving fund created in section 327J.2,
32 notwithstanding section 8.57, subsection 6, paragraph
33 "c":
34 \$ 3,000,000
35 500,000

36 Sec. _____. 2010 Iowa Acts, chapter 1184, section 2,
37 subsection 3, is amended to read as follows:

38 3. DEPARTMENT OF TRANSPORTATION

39 For deposit into the passenger rail service
40 revolving fund created in section 327J.2 for matching
41 federal funding available through the federal Passenger
42 Rail Investment and Improvement Act of 2008 for
43 passenger rail service, notwithstanding section 8.57,
44 subsection 6, paragraph "c":
45 FY 2011-2012..... \$ 6,500,000
46 0

47 It is the intent of the general assembly to fund
48 up to \$20 million over a four-year period to fully
49 fund the state commitment for matching federal funding
50 available through the federal Passenger Rail Investment

1 ~~and Improvement Act of 2008.~~

2 Sec. _____. 2010 Iowa Acts, chapter 1184, section
3 10, subsection 2, paragraph b, is amended to read as
4 follows:

5 b. For deposit into the river enhancement community
6 attraction and tourism fund created in section 15F.205:
7 \$ ~~4,000,000~~

8
9 Sec. _____. 2010 Iowa Acts, chapter 1184, section 10,
10 subsection 2, paragraph b, unnumbered paragraph 2, is
11 amended to read as follows:

12 Moneys appropriated for grants awarded in ~~paragraphs~~
13 paragraph "a" and "b" shall be used to assist
14 communities in the development and creation of multiple
15 purpose attractions or community service facilities for
16 public use.

17 Sec. _____. 2010 Iowa Acts, chapter 1184, section 10,
18 subsection 8, is amended to read as follows:

19 8. TREASURER OF STATE

20 For transfer to the watershed improvement review
21 board created in section 466A.3 for grants associated
22 with the ~~construction and restoration of wetland~~
23 easements and flood prevention watershed improvement
24 projects:

25 \$ 2,000,000

26 Notwithstanding section 466A.5, moneys from the
27 appropriation in this subsection shall not be used for
28 administrative purposes.

29 Sec. _____. 2010 Iowa Acts, chapter 1184, section 14,
30 is amended to read as follows:

31 SEC. 14. There is appropriated from the ~~FY 2009~~
32 prison bonding fund created pursuant to section 12.79
33 rebuild Iowa infrastructure fund to the department
34 of corrections for the fiscal year beginning July 1,
35 2010, and ending June 30, 2011, the following amount,
36 or so much thereof as is necessary, to be used for
37 the purpose designated, notwithstanding section 8.57,
38 subsection 6, paragraph "c":

39 ~~For costs associated with the building of a new~~
40 Iowa State penitentiary at Fort Madison project
41 management costs at Fort Madison and Mitchellville
42 prisons, associated with construction projects at the
43 department:

44 \$ 322,500

45 ~~The appropriation made in this section constitutes~~
46 ~~approval by the general assembly for the issuance of~~
47 ~~bonds by the treasurer of state pursuant to section~~
48 ~~12.80.~~

49 Sec. _____. 2010 Iowa Acts, chapter 1184, section 16,
50 is amended to read as follows:

1 SEC. 16. There is appropriated from the Iowa
2 comprehensive petroleum underground storage tank fund
3 to the department of transportation for the fiscal year
4 beginning July 1, 2010, and ending June 30, 2011, the
5 following amount, or so much thereof as is necessary,
6 to be used for the purposes designated:

7 Notwithstanding section 455G.3, subsection 1, for
8 deposit in the passenger rail service revolving fund
9 created in section 327J.2:

10 \$ 2,000,000
11 500,000

12 ~~Such funds shall be coupled with the remaining~~
13 ~~unobligated balance of up to one million five hundred~~
14 ~~thousand dollars from the appropriation made in 2009~~
15 ~~Iowa Acts, chapter 184, section 1, subsection 12,~~
16 ~~paragraph "a", for a total commitment of three million~~
17 ~~five hundred thousand dollars for the fiscal year~~
18 ~~beginning July 1, 2010, and ending June 30, 2011,~~
19 ~~for matching federal funding available through the~~
20 ~~Passenger Rail Investment and Improvement Act of 2008.~~

21 Sec. _____. 2010 Iowa Acts, chapter 1184, section 37,
22 is amended to read as follows:

23 SEC. 37. SITE DEVELOPMENT CONSULTATIONS
24 APPROPRIATION. There is appropriated from the school
25 infrastructure fund created in section 12.82 to the
26 department of economic development for the fiscal year
27 beginning July 1, 2010, and ending June 30, 2011, the
28 following amount, or so much thereof as is necessary,
29 to be used for the purposes designated:

30 For providing site development consultations
31 pursuant to section 15E.18, including salaries,
32 support, maintenance, miscellaneous purposes, and
33 for not more than the following full-time equivalent
34 positions, notwithstanding section 12.82, subsection 1:
35 \$ 175,000
36 FTEs 1.00

37 Of the moneys appropriated to the department
38 pursuant to this section, the department may allocate
39 up to \$75,000 for purposes of contracting with third
40 parties to provide site development consultations.

41 Sec. _____. 2010 Iowa Acts, chapter 1184, section 39,
42 is amended to read as follows:

43 SEC. 39. BUSINESS ASSISTANCE INTERNET SITE
44 APPROPRIATION.

45 There is appropriated from the school infrastructure
46 fund created in section 12.82 to the department of
47 economic development for the fiscal year beginning
48 July 1, 2010, and ending June 30, 2011, the following
49 amount, or so much thereof as is necessary, to be used
50 for the purposes designated:

1 For purposes of creating a business assistance
2 internet site, notwithstanding section 12.82,
3 subsection 1:

4 \$ 20,000

5 Sec. _____. 2010 Iowa Acts, chapter 1184, section 43,
6 is amended to read as follows:

7 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
8 APPROPRIATION. There is appropriated from the school
9 infrastructure fund created in section 12.82 to the
10 department of economic development for deposit in the
11 save our small businesses fund for the fiscal year
12 beginning July 1, 2010, and ending June 30, 2011, the
13 following amount, or so much thereof as is necessary,
14 to be used for the purposes designated, notwithstanding
15 section 12.82, subsection 1:

16 For purposes of providing financial assistance under
17 the save our small businesses program under section
18 15.301:

19 \$ 5,000,000

20 Of the moneys appropriated pursuant to this section,
21 the department may allocate an amount not to exceed
22 two percent of the moneys appropriated for purposes of
23 retaining the services of an organization designated
24 pursuant to section 15.301, subsection 2, paragraph
25 "b".

26 Sec. _____. 2010 Iowa Acts, chapter 1193, section 6,
27 is amended to read as follows:

28 SEC. 6. INSTRUCTIONAL SUPPORT STATE AID —
29 APPROPRIATION. In lieu of the appropriation provided
30 in section 257.20, there is appropriated from the
31 school infrastructure fund created in section 12.82,
32 subsection 1, to the department of education for the
33 fiscal year beginning July 1, 2010, and ending June 30,
34 2011, the following amount, or so much thereof as is
35 necessary, to be used for the purposes designated:

36 For paying instructional support state aid for
37 fiscal year 2010-2011, notwithstanding section 12.82,
38 subsection 1:

39 \$ 7,500,000

40 Notwithstanding section 257.20, subsection 3, the
41 appropriation made in this lettered paragraph shall
42 be allocated in the same manner as the allocation of
43 the appropriation was made for the same purpose in the
44 previous fiscal year.

45 Sec. _____. 2011 Iowa Acts, House File 45, section 2,
46 subsection 2, is amended by adding the following new
47 paragraph:

48 NEW PARAGRAPH. c. This subsection shall not apply
49 to any appropriations for the fiscal year beginning
50 July 1, 2010, receiving a supplemental appropriation

1 under 2011 Iowa Acts, Senate File 209, or any multiyear
2 appropriation that includes the fiscal year beginning
3 July 1, 2009, for equipment as determined by the
4 department of management.

5 Sec. _____. EFFECTIVE AND APPLICABILITY DATES. This
6 division of this Act, being deemed of immediate
7 importance, takes effect upon enactment and, unless
8 otherwise provided, if approved by the governor on or
9 after July 1, 2011, shall apply retroactively to June
10 30, 2011.

11 Sec. _____. RETROACTIVE APPLICABILITY. The provision
12 of this division of this Act amending 2011 Iowa
13 Acts, House File 45, section 2, subsection 2, applies
14 retroactively to March 7, 2011.

15 DIVISION X

16 CONDITIONAL EFFECTIVE DATE
17 AND RETROACTIVE APPLICABILITY

18 Sec. _____. EFFECTIVE DATE AND RETROACTIVE
19 APPLICABILITY. Unless otherwise provided, this Act,
20 if approved by the governor on or after July 1, 2011,
21 takes effect upon enactment and applies retroactively
22 to July 1, 2011.>

HUSEMAN of Cherokee